

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

PRESENT:	Supervisor	Teresa Dean
	Council	Ed Fairbrother
		Marcia Hudock
		Dave Manchester
		Mike Smith
	Attorney	Frederick Ahrens Jr.
	Town Clerk	Linda Cross

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

Supervisor Dean introduced Attorney Fred Ahrens, who is with the Law firm of Thomas W. Reed II, he has been assigned to the Town of Big Flats. Also, Mark Garvey a recent graduate from Penn State who is learning Municipal Law.

CONCERNS OF THE PEOPLE –

Jim Pfeiffer, Director of Friends of the Chemung County, wanted to thank Supervisor Dean, Larry Wagner-Commissioner of Public Works, and Tim Gilbert Code Enforcement Officer and the many other community members who all volunteered their time to build the pavilion at the Botchers boat launch in Big Flats. All were thanked for improving the Community, River and region by making the grant project a success

Tim Brimmer, 23 Olcott Road North, asked the Town Board for a decision regarding his request for a guard rail to be placed on Olcott Road North.

REPORTS

Supervisor Dean stated the following reports for November 2010 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, SPCA Monthly Report, Agriculture & Market Monthly Report, Supervisor's Fund Balance Report, Department of Public Works Monthly Report, Justice Court Monthly Report, Community Center Monthly Report, Assessor's Monthly Report.

Supervisor Dean reported the following:

- Planning and Zoning Training, sponsored by Chemung County Planning Department was held on November 29, 2010 at the Community Center.
- Senior Night Out Event was held December 4, 2010 at the Big Flats Community Center and was put on by Big Flats youth group. All had a wonderful time.

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

NEW BUSINESS

RESOLUTION NO. 228-10
AMEND AND RESTATE THE DEFERRED COMPENSATION PLAN

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of The Town of Big Flats (the "*Model Plan*") and offers the Model Plan for adoption by local employers, and

WHEREAS the Town of Big Flats, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Town of Big Flats, and

WHEREAS effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS upon due deliberation, the Town of Big Flats has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Town of Big Flats by adopting the amended Model Plan, now

BE IT THEREFORE RESOLVED, that Town of Big Flats hereby amends the Deferred Compensation Plan for Employees of the Town of Big Flats by adopting the amended Model Plan effective December 8, 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

RESOLUTION NO. 229-10
THOMAS WHISPEL JR. TRAINING ATTENDANCE APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Town Board duly appointed Thomas Whispel Jr. to the position of Building Inspector and Code Enforcement Officer, and

WHEREAS New York State requires Code Enforcement Officers are to complete six basic required 3-day courses in order to be certified as a Code Enforcement Officer in New York State, and

WHEREAS for environmental purposes, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Thomas Whispel Jr. to attend the following training at the New York State Fire Academy with all appropriate expenses to be paid from the appropriate budgets:

- Introduction to Code Enforcement Practices Part 1
- Introduction to Code Enforcement Practices Part 2
- Inspection Procedures for Existing Structures
- General Construction Principles
- Residential Code of New York State
- Building Code of New York State

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

RESOLUTION NO. 230-10
BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

RESOLUTION NO. 230-10, BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE, continued

BE IT THEREFORE RESOLVED a Findings and Determination for Games of Chance License, along with the guidance and interpretation of the New York State Racing and Wagering Board, found the designated members conducting Games of Chance games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Games of Chance License, dated November 10, 2010 from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

RESOLUTION NO. 231-10
ASCAP LICENSE AGREEMENT ONE-YEAR APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the American Society of Composers, Authors and Publishers (ASCAP) and the International Municipal Lawyers Association jointly developed the license, designed to cover public performances of ASCAP music by local governments, and

WHEREAS the Town of Big Flats host municipal concerts, festivals or other events that utilize music which is covered under the ASCAP performing rights licensing organization, and

WHEREAS due to these events, the Town Board must enter into an agreement with ASCAP to continue such events, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to execute the agreement with ASCAP, contingent upon the approval of the Town Attorney, for the purpose of continuing events that utilize music that is covered within the ASCAP performing rights licensing organization at an annual rate of Three Hundred Five Dollars (\$305.00).

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

RESOLUTION NO. 232-10
GOSCRIBE ID TAG SYSTEM PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Clerk recommends the purchase of an engraving system for dog license identification tag purposes, and

WHEREAS said quotes were solicited for purchase of equipment as follows:

Western Engravers Supply, Inc:	\$3,495.00
Vital Information Plates Engravers:	\$2,990.00
GoScribe.com LLC:	\$2,595.00 and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of the Go Scribe ID Tag System from GoScribe.com LLC for a total not to exceed \$2,595.00.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

RESOLUTION NO. 233-10
COLLEGE INTERN APPOINTMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Youth Services Coordinator, in a memo dated December 1, 2010, requests the Town Board to appoint Sarah Sechrist, as a College Intern, when necessary to work with the Youth Program Coordinator at the rate of \$8.25 per hour, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Sarah Sechrist, 4 Woodside Drive, Elmira, NY 14903, as the College Intern for the purpose of training to become a Program Assistant, at the rate of \$8.25 per hour, to begin December 20, 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

BUILDING INSPECTOR/CEO RESIGNATION – Removed from the Agenda

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

Supervisor Dean stated the “Citizen of the Year” resolution would be moved to after Correspondence.

EXECUTIVE SESSION. Councilperson Fairbrother made a motion, seconded by Councilperson Smith to enter into Executive Session at 4:47 p.m. to discuss potential litigation and invited Mark Garvey and Larry Wagner to attend. All in favor, motion carried.

Supervisor Dean reconvened the Town Board Meeting at 5:06 p.m.

REQUEST FOR A GUARD RAIL FOR OLCOTT ROAD NORTH – Attorney Fred Ahrens advised the Town Board of liability issues with guard rail installations. No action was taken.

CORRESPONDENCE

Program updates/Time Warner Cable. A letter was received from Time Warner Cable, dated November 1, 2010, regarding their programming changes.

Be Veg! Go Green! /The Supreme Master Ching Hai International Association. A letter dated November 5, 2010 from Supreme Master Ching Hai, regarding the utmost respect and urgency to provide efficient, practical and dynamic actions for leaders and to save fellow citizens for future generations.

Community Preparedness Workshop/NYS Urban & Community Forestry Council. A letter was received November 10, 2010, from Mary Kramarchyk NYC DEC, regarding Central New York Relief Workshop, December 10, 2010 “What every Community needs to know!”

OGS Customer/NYS Executive Department Office of General Services. A letter was received on November 10, 2010, from Edwin Lucier Team Leader of the Executive Department Office of General Services regarding a web based system for filing requirement for the contracts.

Liquor License/TGI Friday’s. A letter was received from Alissa M. Yohey of Wilson, Elser, Moskowitz, Edelman & Dicker LLP., dated November 17, 2010, regarding the renewal of TGI Friday’s Liquor License.

Letter of Interest/Scott Esty A letter was received from Scott Esty, dated November 21, 2010, stating his interest in serving on the Town Board should vacancies become available.

Minutes/Big Flats Business Association. A copy of the Meeting Minutes of the Big Flats Business Association, dated November 17, 2010 were received.

2010 Franchise Fee Worksheet/Time Warner Cable. A letter was received from Time Warner Cable, Central New York Division, regarding the 2010 Franchise Fee Worksheet.

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

RESOLUTION NO. 234-10
VOID CHECK AND DELETED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board approved vouchers 10498 and 10499 payable to Southern Tier Contract Inc., dated November 19, 2010, and

WHEREAS Southern Tier Contract Inc. requested the payment be made directly to the manufacturer, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check #9194, dated 11/19/2010, for Five Thousand Two Hundred Sixty Seven Dollars and Twenty Four Cents (\$5,267.24) and approves the prepayment of check #9213 to Global Inc and check #9212 to Southern Tier Contract Inc.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

RESOLUTION NO. 235-10
BUDGET TRANSFER APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Town of Big Flats and County of Chemung received a grant for the purpose of imaging the building permit records for the Town, and

WHEREAS part of the grant proposal required the Town of Big Flats to provide staff for the purpose of preparing and indexing the building permits, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer to cover the staffing for the grant to index building permit records:

FROM:	Contingency	A1990.0400	\$1,500.00
TO:	Records Management	A1460.0100	\$1,500.00

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

RESOLUTION NO. 236-10
HIGHWAY FUND BUDGET AMENDMENT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Highway Department had conducted additional road paving than originally planned in 2010 and thus requires a budget amendment, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following highway fund budget amendment:

Increase Appropriations	D0960	\$140,000.00
Increase Permanent Improvements	D5112.0400	\$140,000.00
Increase Appropriated Fund Balance	D0599	\$140,000.00
FROM: Fund Balance	D0909	\$140,000.00

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

RESOLUTION NO. 237-10
REV. RICK PRICE AS 2010 CITIZENS OF THE YEAR APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Rev. Rick Price has served the Town of Big Flats in an official capacity for being instrumental in providing a location for the start of the Big Flats Nutrition Site sponsored by the Chemung County Office of Aging and Long Term Care, and

WHEREAS for his assistance in greeting and welcoming new pastors within the Town of Big Flats, and

WHEREAS in recognition and with sincere gratitude for all of these positive contributions to our Community, the Town Board hereby;

RESOLVES AND DECLARES that Rev. Rick Price shall be, and is hereby named, the Town of Big Flats Distinguished Citizens of the Year for 2010.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS None

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 8, 2010

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson, to adjourn the Town Board meeting at 5:27 p.m. All in favor, motion carried.

Date approved: _____

Linda Cross
Town Clerk